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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/900,360 07/25/97 OBRECHT

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EXAMINER

CRECCA, M

ART UNIT

PAPER NUMBER

2765

DATE MAILED:

02/17/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/900,360

Applicant(s)

OBRECHT, WELLS

Examiner

Michele S. Crecca

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 17) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other: _____

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DETAILED ACTION

Response to Amendment

1. The declaration filed on December 12, 1999 under 37 CFR 1.131 is sufficient to overcome the Giovannoli (US 5,758,328) reference.
2. Claims 1-20 have been examined.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the product *Source Interactive Software* (hereinafter referred to as "*Source Interactive*", described in references U, V, W, X, U(2), and V(2)) in view of Salmon et al. (US 5,592,375).

Source Interactive (produced by Interactive Buyers Network International Ltd. (IBNL), previously known as Dyna-Seal Corp. and currently under the name of Virtual Source or Vsource) was first introduced into the marketplace in 1995 (reference "U" date of August 22, 1995) as an interactive system for purchasing goods or services from a seller by a buyer.

Claim 1: *Interactive Source* teaches:

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"(a) receiving a request from a buyer for goods or services with a predetermined plurality of criteria related to the goods or services" (reference "V", paragraph 4 and ref. "X", paragraph 6);

"(b) selecting at least one seller from a predetermined group of sellers of the goods or services based on the received predetermined plurality of criteria" (ref. "X", paragraph 5);

"(c) transmitting the request of the buyer to the selected at least one seller of the goods or services" (ref. "X", paragraph 5);

"(d) receiving...responses from the at least one seller to the request" (ref. "X", para. 8).

However, *Interactive Source* does not specifically recite the steps (e) – (g), where the selected sellers' responses, once the buyers' criteria have been received, are compiled and ranked by the central system. Salmon et al. teaches a method for interactively brokering the purchase of goods or services between buyers and sellers (title and abstract). Salmon et al. teaches:

"(e) compiling information provided in the responses received from at least one seller to the request" (col. 2, lines 8-10; col. 7, beginning on line 40 – col. 8, line 22 and col. 9, line 36 – col. 10, line 47);

"(f) ranking the sellers based upon the compiled information...selecting sellers with the relatively highest ranking" (col. 8, line 22-24 and col. 11, lines 38-55); and

"(g) providing the compiled responses...for access by the buyer" (col. 12, lines 9-12 and 17).

It would have been obvious to combine the "compiling" and "ranking" steps of Salmon et al. into the *Interactive Source* product. *Interactive Source* utilizes a central system (ref. "X", paragraph 5) which facilitates the collection of buyers' request for goods/services and this

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system distributes the requests to qualified sellers/vendors. It would be obvious to use the same centralized system to gather and rank the responses from the sellers, as in Salmon et al., as both systems are used in facilitating difficult purchase decisions of goods/services which, due to a large number of diverse criteria, require evaluation and comparison. The "compiling" and "ranking" steps become necessary in order to simplify the decision making process by streamlining the responses into a logical order, thereby assisting the buyer in making an informed purchase decision.

Claim 2: wherein (a), "a computer receives the request" (ref. "X", para. 5 and ref. "V", para. 4).

Claim 3: wherein (b), "selecting is performed by a central computer" (ref. "X", para. 5).

Claim 4: wherein (c), "transmitting is done by an internet system" (ref. "V", para. 6).

Claim 5: *Interactive Source* teaches the distributing of requests to appropriate sellers (ref. "X", para. 5), however, *Interactive Source* does not show centralized receiving of sellers' bids. Salmon et al. teaches a method and system for brokering goods and services between buyers and sellers. Salmon et al. teaches the use of a centralized computer for receiving (fig. 1, "server"). It would have been obvious to use the feature of centralized bid receiving in Salmon et al. in the central system of *Interactive Source* (ref. "X", para. 5) as the centralization of the bids allows for coordinated processing of the bids into a streamlined report.

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Claim 6: *Interactive Source* does not teach wherein (e) and (f), "compiling and ranking is done by the central computer", however, Salmon et al. does recite the use of a centralized system for ranking and compiling (fig. 1, "server", note items in box 580) It would have been obvious to combine the "compiling" and "ranking" steps of Salmon et al. into the *Interactive Source* product. *Interactive Source* utilizes a central system (ref. "X", paragraph 5) which facilitates the collection of buyers' request for goods/services and this system distributes the requests to qualified sellers/vendors. It would be obvious to use the same centralized system to gather and rank the responses from the sellers, as in Salmon et al., as both systems are used in facilitating difficult purchase decisions of goods/services which, due to a large number of diverse criteria, require evaluation and comparison. The "compiling" and "ranking" steps become necessary in order to simplify the decision making process by streamlining the responses into a logical order thereby assisting the buyer in making an informed purchase decision.

Claim 7: wherein (g), "accessing by the buyer is performed by an internet connection" (ref. V, para. 6).

Claims 8 and 9: *Interactive Source* teaches the purchasing of "good and services" (ref. "U", para. 2 and ref. "X", para. 1) , however, the *Interactive Source* documents do not specify particular categories of goods and services. Salmon et al. teaches the purchasing of goods and services and specifically recites that the goods and services can include a variety of applications, including "the group consisting of vehicles, computers, or appliances and the services are selected from the groups consisting of legal, financing, medical, or insurance" (col. 2, lines 15-25). Regarding claim 9, specifically including "vehicles" (col. 2, line 17). It would have

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been obvious to one of ordinary skill in the art to include these various categories of goods and services in the purchasing system of *Interactive Source* as these goods and services represent a large investment and/or complex decision for consumers and require evaluation before they are purchased. Therefore, the use of an online system which assists the buyer in making these decisions is an appropriate fit for these categories of goods/services.

Claims 10-18 recite the system on which the above method steps (claims 1-9) are performed and are therefore rejected under 35 USC 103(a) as being unpatentable over *Interactive Source* in view of Salmon et al. per the arguments above.

Claim 19: *Interactive Source* teaches a “system for obtaining information for purchasing” (ref. “U”, para. 1) comprising:

“input means...for receiving a request for a desired automobile...including a plurality of predetermined criteria...” (reference “V”, paragraph 4 and ref. “X”, paragraph 6);

“selection means...for selecting at least two providers from a predetermined group of providers...” (ref. “X”, paragraph 5);

“transmission means, including an internet connection, for transmitting the request...” (ref. “X”, paragraph 5).

However, *Interactive Source* does not specifically recite, the system where the selected sellers’ responses, once the buyers’ criteria have been received, are compiled and ranked by the central system. Nor does *Interactive Source* state that the system is used to purchase “automobiles” in particular.

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Salmon et al. teaches a method for interactively brokering the purchase of goods or services between buyers and sellers (title and abstract). Salmon et al. teaches where the category of goods and services can include "automobiles" (col. 2, line 17), Salmon et al. also teaches:

"computation means, including the central computer, for compiling information...for ranking the providers based upon the compiled information including the plurality of criteria..." (col. 2, lines 8-10; col. 7, beginning on line 40 – col. 8, line 22; col. 9, line 36 – col. 10, line 47 and col. 8, line 22-24 and col. 11, lines 38-55);

"output means...for providing the compiled responses...." (col. 12, lines 9-12 and 17).

It would have been obvious to combine the "compiling" and "ranking" steps of Salmon et al. into the *Interactive Source* product. *Interactive Source* utilizes a central system (ref. "X", paragraph 5) which facilitates the collection of buyers' request for goods/services and this system distributes the requests to qualified sellers/vendors. It would be obvious to use the same centralized system to gather and rank the responses from the sellers, as in Salmon et al., as both systems are used in facilitating difficult purchase decisions of goods/services which, due to a large number of diverse criteria, require evaluation and comparison. The "compiling" and "ranking" steps become necessary in order to simplify the decision making process by streamlining the responses into a logical order, thereby assisting the buyer in making an informed purchase decision.

Regarding the selling of "automobiles" on the system, it would have been obvious to one of ordinary skill in the art to include automobiles in the purchasing system of *Interactive Source* as automobiles represent a large investment for consumers and require evaluation before they are purchased. Further, the online system assists the seller in reaching a larger potential

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customer-base because the customers do not have to be physically present in the dealership to purchase an automobile.

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Interactive Source* in view of Salmon et al. as applied to claim 19 above.

Interactive Source in view of Salmon et al. teach a system for "obtaining information for the purchase of automobiles", as argued above, however, the references do not teach wherein the "automobile is a previously owned automobile." Official Notice is taken that using online systems to promote and facilitate the sale of previously owned vehicles is old and well known in the art, as shown by Fujisaki (4,789,928). It would have been obvious to one of ordinary skill in the art to include "previously owned" vehicles in the online purchasing system as this allows for a greater potential market to have access to and purchase vehicles.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US patents by Berent et al. (6,006,201) and Fujisaki (4,789,928) show online systems for vehicle auctioning.

US patent by Shavit et al. (4,799,156) shows a system for interactive electronic business transactions including a RFQ module (col. 13, lines 10-34). In the RFQ module, once the bid is prepared, the system notifies the buyer by email and the buyer can access it either through email or by means of a menu selection on the central system.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele Crecca whose telephone number is (703) 305-0438. The

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examiner can normally be reached Monday – Friday from 7:00 – 4:30, with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen MacDonald, can be reached at (703) 305-9708.

The fax number for Formal or Official faxes to Technology Center 2700 is (703) 308-9051 or 9052. Draft or Information faxes for this Art Unit can be submitted to (703) 308-5357).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

MSC
February 10, 2000


ERIC W. STAMBER
PRIMARY EXAMINER